

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL J. NABOURS,

Petitioner,

v.

Civ. 12-426RB/GBW

CHRISTOPHER BARELA,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGES PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITIONS**

This matter comes before the Court on Petitioner's Petition for a Writ of Habeas Corpus. *Doc. 1.* On August 16, 2012, the Magistrate Judge issued his first Proposed Findings and Recommended Disposition (PFRD). *Doc. 8.* He recommended dismissal of the Petition because Petitioner has failed to exhaust state review and has not demonstrated that he is excused from the exhaustion requirement. *Id.* The PFRD was twice returned to the Court as undeliverable. *Docs 9 & 10.* In both cases, the envelope was stamped with the message "No Longer At This Facility." *Id.*

On September 24, 2012, the Magistrate Judge ordered Petitioner to show cause why the Court should not dismiss this action for failure to update his address as required by D.N.M. LR-Civ. 83.6. *Doc. 11.* That order was returned to the Court as undeliverable and, to date, Petitioner has neither updated his address nor otherwise been in contact with the Court. *See doc. 12.*

On October 16 2012, the Magistrate Judge issued his second PFRD, recommending dismissal of this action for failure to comply with D.N.M. LR-Civ. 83.6 Doc. 13. That PFRD was also returned to the Court as undeliverable. Doc. 14

Petitioner has not filed objections to either of the Magistrate Judge's PFRDs and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations. Therefore, I ADOPT both the Magistrate Judge's first and second PFRDs, docs 8 & 13, and DISMISS Petitioner's Petition for Writ of Habeas Corpus, doc. 1, without prejudice.



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ROBERT C. BRACK  
UNITED STATES DISTRICT JUDGE